

Adopt Section 31-237 to read:

**31-237 90-DAY TRANSITION PLAN**

**31-237**

- (a) Within 90 days of a youth's 18th birthday, or emancipation from foster care between the ages of 18 and 21 for a nonminor dependent, the county social worker/probation officer must provide the youth or nonminor dependent with assistance and support in developing a transition plan for independence (this is referred to as the 90-day Transition Plan).

  - (1) A 90-day Transition Plan is not necessary if a youth leaves foster care more than 90 days prior to the youth's 18th birthday.
  - (2) The plan shall not be initiated after the youth or nonminor dependent exits foster care.
- (b) The purpose of the 90-day Transition Plan is to assist the youth or nonminor dependent in creating a plan for successful independent living with tangible steps for the youth or nonminor dependent to take in order to provide for their needs and access available support and services.
- (c) A 90-day Transition Plan shall be developed for all youth and nonminor dependents who are:

  - (1) Receiving foster care maintenance payments.
  - (2) Receiving benefits or services from the Independent Living Program (ILP).
- (d) The 90-day Transition Plan is not part of the Transitional Independent Living Plan (TILP). A TILP is not required to be completed once a 90-day Transition Plan is established. After a 90-Day Transition Plan is completed, TILP updates are no longer required unless juvenile court dependency is continued beyond the 90-day period and another TILP update is due.
- (e) Other adult representatives for the youth or nonminor dependent, as appropriate, may participate in the development of the youth or nonminor dependent's 90-day Transition Plan. Such representatives may include, but are not limited to:

  - (1) Caregivers or former caregivers.
  - (2) Family members.
  - (3) Non-related extended family members.
  - (4) Court Appointed Special Advocates (CASAs).

- (5) Mentors.
- (6) Former case workers.
- (7) ILP Coordinators.
- (8) Therapists.
- (9) Peer Advocates.
- (f) At a minimum, the 90-day Transition Plan shall include the elements required in Welfare and Institutions Code Section 16501.1, subdivision (g)(16)(B).

#### HANDBOOK BEGINS HERE

- (1) Welfare and Institutions Code Section 16501.1, subdivision (g)(16)(B) states:
  - (A) “A caseworker or other appropriate agency staff or probation officer and other representatives of the participant, as appropriate, shall provide the youth or nonminor dependent with assistance and support in developing the written 90-day transition plan, that is personalized at the direction of the child, information as detailed as the participant elects that shall include, but not be limited to, options regarding:
    - (i) Housing.
    - (ii) Health insurance.
    - (iii) Education.
    - (iv) Local Opportunities for mentors and continuing support services.
    - (v) Workforce supports and employment services.
    - (vi) A Power of Attorney for health care.
    - (vii) Information regarding the advance health care directive form.”
  - (B) “Information provided regarding health insurance options shall include verification that the eligible youth or nonminor is enrolled in Medi-Cal and a description of the steps that have been or will be taken by the youth’s social worker or probation officer to ensure that the eligible youth or nonminor is transitioned into the Medi-Cal

program for former foster youth upon case closure with no interruption in coverage and with no new application being required, as provided in Section 14005.28.”

HANDBOOK ENDS HERE

- (g) The 90-day transition plan shall include information on the importance of designating someone to make health care decisions for the youth after the youth turns 18 years of age, by completing a power of attorney for health care. The power of attorney for health care is used to designate an agent to act when a nonminor is not able to make certain health decisions for themselves, and either does not have a relative who would otherwise be legally authorized to make such decisions, or does not wish to have such a relative make health care decisions on their behalf.
- (h) The social worker/probation officer shall inform the youth or nonminor dependent of the option to execute an advance health care directive designating an individual with the power of attorney for health care, as well as indicating specific advance instructions and preferences about any aspect of health care.

  - (1) The social worker/probation officer should provide a sample of an advance health care directive at the 90-Day Transition Plan meeting, and explain the steps for filling one out. The statutory form is available at Probate Code section 4701. If the youth is a minor at the plan meeting, the youth must wait to complete the form until after turning 18.
  - (2) County social workers/probation officers shall not offer any legal or health care advice to the youth or nonminor dependent. Youth and nonminor dependents can be directed to consult with their attorney, doctor, CASA, other mentor or significant person in their life regarding the advisability of completing an advance health care directive.
- (i) In addition to the mandatory information required by Welfare and Institutions Code Section 16501.1, subdivision (g)(16)(B), the 90-day Transition Plan should also include:

  - (1) Information about additional services that will help the youth or nonminor dependent to successfully transition to independence.
  - (2) It is highly encouraged that the 90-day Transition Plan also include information relating to sexual health, services and resources to assist the youth or nonminor dependent in making healthy and informed decisions for themselves.
- (j) The county social worker/probation officer should begin engaging youth and nonminor dependents in discussion and planning for their transition to independence well before the 90-day Transition Plan meeting. The social

worker/probation officer should talk with the youth or nonminor dependent in advance about:

- (1) The purpose and importance of the plan.
  - (2) How the youth or nonminor dependent can participate in their transition planning.
  - (3) What areas the plan includes as well as informing the youth or nonminor dependent that they can bring up additional topics to be addressed in the plan.
  - (4) Who the youth or nonminor dependent can bring to the transition plan meeting to help represent their interests.
- (k) The county social worker/probation officer should examine and consider the youth or nonminor dependent's existing case plans, including the TILP and plans for programs such as Wraparound, education, and mental health, when developing the 90-day Transition Plan to ensure coordination and consistency among the plans.
- (l) If a youth or nonminor dependent is unable to engage in meaningful participation in the development of the youth or nonminor dependent's 90-day Transition Plan due to developmental disabilities or a physical or mental health disorder, the county social worker/probation officer shall generate a plan in conjunction with representatives from the youth or nonminor dependent's other service providers and other important individuals in the youth or nonminor dependent's life. All participants may sign the plan and shall receive a copy of the plan.
- (m) If a youth's whereabouts are unknown during the 90-day period prior to the youth attaining 18 years of age, or if a nonminor dependent's whereabouts are unknown for any period of time, the county shall attempt to retain any available personal identification or other legal documents until the individual attains 21 years of age. Documents include, but are not limited to: the individual's birth certificate, social security card, Medi-Cal card, or proof of dependency. Any available documents shall be provided to the nonminor upon request, even if the individual is no longer a dependent.
- (n) After the 90-day Transition Plan is completed, it shall be signed by all parties present at the meeting. Copies of the plan shall be given to the youth or nonminor dependent and all other individuals involved in developing the plan.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 16501.1, Welfare and Institutions Code.